

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ERIE INSURANCE COMPANY a/s/o ANDREW

PRUZINSKY and

ANNE PRUZINSKY

100 Erie Insurance Place Erie, PA

15601

NO.:

vs.

MIDEA GROUP LTD., INC. t/a, a/k/a, d/b/a GD

MIDEA AIR-CONDITIONING EQUIPMENT CO.,

LTD.

Midea Headquarters Building, No. 6, Midea Avenue,
Beijiao Towne, Guangdong, China 528311

and

MIDEA AMERICA CORP.

c/o Corporation Service Company 120 I

Hays Street

Tallahassee, FL 32301

and

ELECTROLUX HOME PRODUCTS, INC. t/a,

a/k/a, d/b/a FRIGIDAIRE c/o CT

Corporation System 28 Liberty
Street

New York, NY 10005

and

LOWE'S COMPANIES, INC.

1000 Lowe's Boulevard Mooresville,

NC 28117

and

**THE HOME DEPOT, INC. t/a, a/k/a, d/b/a HOME
DEPOT USA, INC.**

2455 Paces Ferry Road, NW Atlanta,

GA 30339

and JOHN/JANE

DOE

and

ABC CORPORATION

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant Midea America Corp. (“Midea America”) and Defendant Electrolux Home Products, Inc. d/b/a Frigidaire (“Electrolux,” with Midea America, “Defendants”) by and through their undersigned counsel, hereby remove the above captioned action from the Court of Common Pleas of Bucks County in which it is now pending to the United States District Court for the Eastern District of Pennsylvania. In support of this removal, Defendants state as follows:

BACKGROUND

1. On July 17, 2024, Plaintiff Erie Insurance Company a/s/o Andrew Pruzinsky and Anne Pruzinsky (“Plaintiff”) commenced this action against Defendants by filing a Complaint (the “Complaint”) in the Court of Common Pleas of Bucks County, docketed as No. 2024-04514.

2. Pursuant to 28 U.S.C. § 1446(a), a true and correct copy of the Complaint is attached hereto as **Exhibit A**. As of the date of this filing, the Complaint is the only filing on the Bucks County docket.

3. The Complaint is the initial pleading in which Plaintiff set forth its claims. Defendants have not yet responded to the Complaint and there have been no further pleadings in this matter.

4. The Complaint arises out of a fire that occurred on September 6, 2022, which damaged property owned and occupied by Plaintiff’s insureds, Andrew Pruzinsky and Anne Pruzinsky (collectively, “Plaintiff’s Insureds”). *See Ex. A at ¶ 12.*

5. Plaintiff alleges that the fire was caused by a Frigidaire 50-pint dehumidifier, model LAD504TDL (the “Product”) purchased by Plaintiff’s Insureds and designed, manufactured, distributed, and/or sold by Defendants. *See id. ¶ 12.*

6. Plaintiff asserts causes of action for strict liability, negligence, and breach of warranty arising from the manufacturing, sale, design, distribution, and alleged defective state of the Product. *See id.* at ¶¶ 21-46.

7. Plaintiff served Midea America with the Complaint on July 23, 2024, which is less than 30 days before the filing of this Notice of Removal.

8. Plaintiff served Electrolux with the Complaint on July 24, 2024, which is less than 30 days before the filing of this Notice of Removal.

9. Upon information and belief, Plaintiff has not yet served co-Defendants Midea Group LTD, Lowe's Companies, Inc., or The Home Depot, Inc. Accordingly, this Notice of Removal is being filed timely by Defendants with the United States District Court for the Eastern District of Pennsylvania and each Defendants that has been served consents to removal.

REMOVAL IS PROPER UNDER 28 U.S.C. §§ 1332, 1441 and 1446

10. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1332(a) because there is complete diversity of citizenship between Plaintiff and Defendants, including Co-Defendants Midea Group LTD., Inc., Lowe's Companies, Inc., and the Home Depot, Inc. The amount in controversy exceeds the sum of \$75,000, exclusive of interest and costs.

11. Plaintiff Erie Insurance Company is organized under the laws of the Commonwealth of Pennsylvania, with its principal place of business located at 100 Erie Insurance Place, Erie, Pennsylvania. Therefore, Plaintiff is a citizen of the Commonwealth of Pennsylvania for purposes of diversity jurisdiction pursuant to 28 U.S.C. § 1332.

12. Defendant Midea America is organized under the laws of the state of Florida with its principal place of business at 300 Kimball Dr, Parsippany, New Jersey, 07054. Therefore, Defendant Midea America is a citizen of Florida and New Jersey but not citizens of the

Commonwealth of Pennsylvania pursuant to 28 U.S.C. § 1332 and removal of this action is timely under 28 U.S.C. § 1446(b)(1).

13. Defendant Electrolux is organized under the laws of the state of New York with its principal place of business at 10200 David Taylor Dr., Charlotte, North Carolina, 28262. Therefore, Defendant Electrolux is a citizen of New York and North Carolina but not citizens of the Commonwealth of Pennsylvania pursuant to 28 U.S.C. § 1332 and removal of this action is timely under 28 U.S.C. § 1446(b)(1).

14. Defendant Midea Group LTD., Inc. d/b/a GD Midea Air-Conditioning Equipment Co., LTD is organized under the laws of the People's Republic of China with its principal place of business at Midea New Headquarter Building, No. 6 Midea Avenue, Shunde District, Foshan City, Guangdong province of China. To date, Plaintiff has not served Midea Group LTD., Inc. d/b/a GD Midea Air-Conditioning Equipment Co., LTD with the Complaint, and accordingly, it need not consent to the removal. *See* 28 U.S.C. § 1446(b)(2)(A).

15. Defendant Lowe's Companies, Inc. is organized under the laws of the state of North Carolina with its principal place of business at 2626 Glenwood Avenue, Suite 550, Raleigh, North Carolina. To date, Plaintiff has not served Lowe's Companies, Inc. with the Complaint, and accordingly, it need not consent to the removal. *See* 28 U.S.C. § 1446(b)(2)(A).

16. Defendant The Home Depot, Inc., d/b/a Home Depot USA, Inc. is organized under the laws of the state of Georgia with its principal place of business at 2455 Paces Ferry Road, Atlanta, Georgia. To date, Plaintiff has not served The Home Depot, Inc. with the Complaint, and accordingly, it need not consent to the removal. *See* 28 U.S.C. § 1446(b)(2)(A).

17. Defendants John Doe and Jane Doe are fictitious persons and/or entities and should be disregarded for the purposes of Section 1332 removal under 28 U.S.C. § 1441(b)(1).

18. Defendant ABC Corporation is a fictitious name and should be disregarded for the purposes of Section 1332 removal under 28 U.S.C. § 1441(b)(1).

19. The amount in controversy exceeds the sum or value of \$75,000, exclusive of interests and costs. The Complaint claims damages in the amount of \$1,401,824.04. *See* Ex. A §§ 19-20.

PROCEDURAL REQUIREMENTS

20. In accordance with the provisions of 28 U.S.C. § 1441, *et seq.*, the Notice of Removal is being filed in the United States District Court for the Eastern District of Pennsylvania, which is the judicial district in which the action is pending.

21. Venue is proper in this Court because it is the “district and division embracing the place where such action is pending.” 28 U.S.C. § 1441(a).

22. Pursuant to 28 U.S.C. § 1446(d), Defendants will promptly serve a copy of this Removal on Plaintiff’s counsel, and file a copy with the Clerk of the court for the state court.

23. By removing this action, Defendants do not admit any of the allegations in the Complaint. Indeed, Defendants expressly deny all claims, liability, and damages asserted in the Complaint.

24. This removal is made without waiver of any defenses or affirmative defenses, including those provided under Federal Rule of Civil Procedure 12, or Defendants’ right to move for dismissal, on substantive or procedural grounds, of any cause of action asserted in the Complaint.

WHEREFORE, Defendants Electrolux and Midea America hereby remove this civil action from the Court of Common Pleas of Bucks County, Pennsylvania to the United States

District Court for the Eastern District of Pennsylvania. No further proceeding shall take place in the State Court.

REED SMITH LLP

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Dated: August 8, 2024

Attorneys for Defendants Electrolux Home Products d/b/a Frigidaire and Midea America Corporation

CERTIFICATE OF SERVICE

I, Arnd N. von Waldow, hereby certify that on August 8, 2024, I caused a true and correct copy of the foregoing Notice of Removal to be served on the following party by certified mail:

Anthony W. Ziccardi, Esq.
Gaul & Associates, P.C.
1650 Arch Street, Suite 1903
Philadelphia, PA 19103

Attorney for Plaintiff

Dated: August 8, 2024

/s/ Arnd N. von Waldow
Arnd N. von Waldow